

1 10
2 WALTER WILHELM LAW GROUP
3 A Professional Corporation
4 Riley C. Walter, #91839
5 Danielle J. Bethel #315945
6 205 East River Park Circle, Ste. 410
7 Fresno, CA 93720
8 Telephone: (559) 435-9800
9 Facsimile: (559) 435-9868
10 E-mail: rileywalter@w2lg.com
11 dbethel@w2lg.com

8 Attorneys for Debtor, Tulare Local Healthcare District,
9 dba Tulare Regional Medical Center

10 IN THE UNITED STATES BANKRUPTCY COURT

11 EASTERN DISTRICT OF CALIFORNIA

12 FRESNO DIVISION

13 In re

CASE NO. 17-13797

14 TULARE LOCAL HEALTHCARE
15 DISTRICT, dba TULARE
16 REGIONAL MEDICAL CENTER,

Chapter 9

DC No.: WW-34

17 Debtor.

Date: November 15, 2018

Time: 9:30 a.m.

Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 13

Judge: Honorable René Lastreto II

21 EXHIBITS IN SUPPORT OF MOTION FOR ORDER APPROVING AGREEMENT
22 RELATING TO RELIEF FROM THE AUTOMATIC STAY (GUTIERREZ)

23 ///

24 ///

25 ///

26 ///

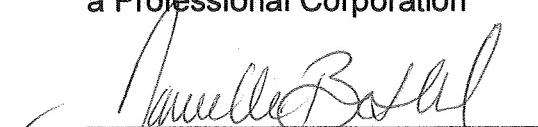
27 ///

28 ///

Exhibits	Description	Pages
A	STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362	3
B	[Proposed] ORDER APPROVING AGREEMENT RELATING TO RELIEF FROM THE AUTOMATIC STAY	5

Dated: October 24, 2018

WALTER WILHELM LAW GROUP,
a Professional Corporation


Danielle J. Bethel,

Attorneys for Debtor, Tulare Local
Healthcare District, dba Tulare Regional
Medical Center

1 3
2 WALTER WILHELM LAW GROUP
A Professional Corporation
3 Riley C. Walter, #91839
Danielle J. Bethel #315945
4 205 East River Park Circle, Ste. 410
Fresno, CA 93720
5 Telephone: (559) 435-9800
Facsimile: (559) 435-9868
6 E-mail: rileywalter@w2lg.com

7 Attorneys for Tulare Local Healthcare District,
dba Tulare Regional Medical Center
8

9 IN THE UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

13 In re	CASE NO. 17-13797
14 TULARE LOCAL HEALTHCARE DISTRICT, dba TULARE 15 REGIONAL MEDICAL CENTER,	DC No.: WV-34
16 Debtor.	Chapter 9
17 Tax ID #: 94-6002897 Address: 869 N. Cherry Street 18 Tulare, CA 93274	Date: N/A Time: N/A Place: 2500 Tulare Street Fresno, CA 93721 Courtroom 13 Dept. B, Fifth Floor Judge: Honorable René Lastreto II

20 STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY
21 PURSUANT TO 11 U.S.C. § 362

22 TULARE LOCAL HEALTHCARE DISTRICT, dba Tulare Regional Medical Center
23 (the "District") and SENOVIA GUTIERREZ ("Plaintiff"), by and through their respective
24 counsel, hereby enter into the within Stipulation for Relief from the Automatic Stay
25 pursuant to 11 U.S.C. § 362 (the "Stipulation"). The Stipulation is made with reference
26 to the following:
27

28 ///

EXHIBIT A
Page 1 of 3

1 RECITALS

2 1. On September 30, 2017, the District commenced a voluntary case under chapter
3 9 of title 11 of the United States Bankruptcy Code in the United States Bankruptcy
4 Court, Eastern District of California ("Petition Date").
5

6 2. Prior to the Petition Date, Plaintiff initiated a lawsuit against the District
7 requesting declaratory relief pertaining to Plaintiff's status as a duly elected
8 representative of the District's Board for Area 3, the date of administration of Plaintiff's
9 oath as a Board Member, the date Plaintiff was declared elected as a Board Member of
10 Area 3 of the District, as well as the scope of authorization pertaining to Plaintiff's duties
11 as a Board Member of Area 3 of the District, in the matter styled *Senovia Gutierrez v.*
12 *Tulare Local Healthcare District, dba Tulare Regional Medical Center, Richard Torrez,*
13 *Michael Jamaica, Kevin Northcraft, and Does 1-25, inclusive, Tulare County Superior*
14 *Court case no. 271265* (the "Lawsuit").
15

16 3. After negotiation, the District and Plaintiff (collectively, the "Parties") have
17 reached an agreement on a final stipulated judgment, to be entered by the Tulare
18 County Superior Court, which would resolve all of the claims encompassed by the
19 Lawsuit.
20

21 4. Relief from the automatic stay is required in order for the Parties to conclude the
22 Lawsuit.
23

24 5. Accordingly, the District and Plaintiff have agreed to allow the Automatic Stay to
25 be modified pursuant to the terms and conditions stated herein.
26 ///
27 ///
28 ///

EXHIBIT A
Page 2 Of 3

1
2 **STIPULATION AND AGREEMENT**
3

4 NOW, THEREFORE, subject to Court approval, the parties hereby stipulate and
5 agree as follows:

6 1. The Automatic Stay pursuant to 11 U.S.C. § 362 shall be modified to allow the
7 Lawsuit to continue for the sole purpose of entering a final judgment and order for
8 equitable and other relief.

9 2. Any amendment to this Stipulation shall be made in writing, signed by the
10 District and Plaintiff, and approved by the Court.

11 3. The District and Plaintiff stipulate to entry of an order approving this Stipulation
12 subject to compliance with FRBP 4001, if required.

13 IT IS HEREBY STIPULATED AND AGREED.

16 October 13, 2018

MEDEROS, SOARES & ORMONDE



17
18 Dennis A. Mederos, Attorneys for
19 Plaintiff, Senovia Gutierrez
20

21 October 24, 2018

22 WALTER WILHELM LAW GROUP,
23 a Professional Corporation

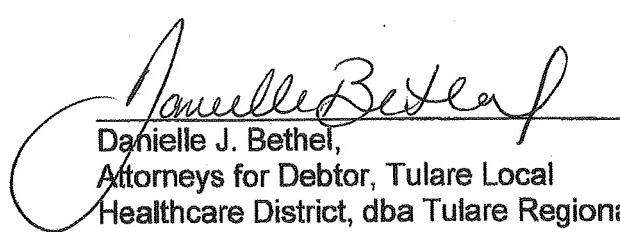
24 
25 Danielle J. Bethel,
26 Attorneys for Debtor, Tulare Local
27 Healthcare District, dba Tulare Regional
28 Medical Center

EXHIBIT A
Page 3 Of 3

1 5
2 WALTER WILHELM LAW GROUP
3 A Professional Corporation
4 Riley C. Walter #91839
5 Danielle J. Bethel #315945
6 205 East River Park Circle, Ste. 410
7 Fresno, CA 93720
8 Telephone: (559) 435-9800
9 Facsimile: (559) 435-9868
10 E-mail: rileywalter@w2lg.com
11 dbethel@w2lg.com

12 Attorneys for Tulare Local Healthcare District,
13 dba Tulare Regional Medical Center

14 IN THE UNITED STATES BANKRUPTCY COURT
15 EASTERN DISTRICT OF CALIFORNIA
16 FRESNO DIVISION

17 In re

CASE NO. 17-13797

18 TULARE LOCAL HEALTHCARE
19 DISTRICT, dba TULARE
20 REGIONAL MEDICAL CENTER,

Chapter 9

DC No.: WW-34

21 Debtor.

Date: November 15, 2018

Time: 9:30 a.m.

Place: 2500 Tulare Street

Fresno, CA 93721

Courtroom 13

Judge: Honorable René Lastreto II

Tax ID #: 94-6002897

Address: 869 N. Cherry St.
Tulare, CA 93274

21 **ORDER APPROVING AGREEMENT RELATING TO RELIEF
22 FROM THE AUTOMATIC STAY**

23 At Fresno, in the Eastern District of California.

24 The Court having received and reviewed the Motion for Approval of Agreement
25 Relating to Relief From the Automatic Stay, the Motion having been duly and properly
26 served and noticed, and there being no objection to the relief sought, and good cause
27 appearing,

EXHIBIT *B*
Page 1 of 5

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion be granted and said Stipulation attached to this Order as Exhibit "A" shall be, and hereby is, adopted as the Order of this Court.

Presented by:

**WALTER WILHELM LAW GROUP
a Professional Corporation**

Danielle J. Bethel,
Attorneys for Debtor, Tulare Local
Healthcare District, dba Tulare Regional
Medical Center

Dated: _____, 2018

United States Bankruptcy Judge

EXHIBIT B
Page 2 Of 5

1
2 WALTER WILHELM LAW GROUP
3 A Professional Corporation
4 Riley C. Walter, #91839
Danielle J. Bethel #315945
5 205 East River Park Circle, Ste. 410
Fresno, CA 93720
Telephone: (559) 435-9800
Facsimile: (559) 435-9868
6 E-mail: rileywalter@w2lg.com

7 Attorneys for Tulare Local Healthcare District,
dba Tulare Regional Medical Center

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

In re

**TULARE LOCAL HEALTHCARE
DISTRICT, dba TULARE
REGIONAL MEDICAL CENTER**

Debtor.

Tax ID #: 94-6002897
Address: 869 N. Cherry Street
Tulare, CA 93274

CASE NO. 17-13797

DC No.: WW-34

Chapter 9

Date: N/A

Time: N/A

Place: 2500 Tulare Street
Fresno, CA 93721

Courtroom 13

Dept. B, Fifth Floor
Health Board

Judge: Honorable Rene Lastreto II

**STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. § 362**

TULARE LOCAL HEALTHCARE DISTRICT, dba Tulare Regional Medical Center

(the "District") and SENOVIA GUTIERREZ ("Plaintiff"), by and through their respective

counsel, hereby enter into the within Stipulation for Relief from the Automatic Stay

pursuant to 11 U.S.C. § 362 (the “Stipulation”). The Stipulation is made with reference

| to the following:

1

EXHIBIT B
Page 3 Of 5

RECITALS

1. On September 30, 2017, the District commenced a voluntary case under chapter 9 of title 11 of the United States Bankruptcy Code in the United States Bankruptcy Court, Eastern District of California (“Petition Date”).

2. Prior to the Petition Date, Plaintiff initiated a lawsuit against the District requesting declaratory relief pertaining to Plaintiff's status as a duly elected representative of the District's Board for Area 3, the date of administration of Plaintiff's oath as a Board Member, the date Plaintiff was declared elected as a Board Member of Area 3 of the District, as well as the scope of authorization pertaining to Plaintiff's duties as a Board Member of Area 3 of the District, in the matter styled *Senovia Gutierrez v. Tulare Local Healthcare District, dba Tulare Regional Medical Center, Richard Torrez, Michael Jamaica, Kevin Northcraft, and Does 1-25, inclusive, Tulare County Superior Court case no. 271265* (the "Lawsuit").

3. After negotiation, the District and Plaintiff (collectively, the "Parties") have reached an agreement on a final stipulated judgment, to be entered by the Tulare County Superior Court, which would resolve all of the claims encompassed by the Lawsuit.

4. Relief from the automatic stay is required in order for the Parties to conclude the Lawsuit.

5. Accordingly, the District and Plaintiff have agreed to allow the Automatic Stay to be modified pursuant to the terms and conditions stated herein.

11

三

118

EXHIBIT B
Page 4 Of 5

1
2 **STIPULATION AND AGREEMENT**
3

4 NOW, THEREFORE, subject to Court approval, the parties hereby stipulate and
5 agree as follows:

6 1. The Automatic Stay pursuant to 11 U.S.C. § 362 shall be modified to allow the
7 Lawsuit to continue for the sole purpose of entering a final judgment and order for
8 equitable and other relief.

9 2. Any amendment to this Stipulation shall be made in writing, signed by the
10 District and Plaintiff, and approved by the Court.

11 3. The District and Plaintiff stipulate to entry of an order approving this Stipulation
12 subject to compliance with FRBP 4001, if required.

13 IT IS HEREBY STIPULATED AND AGREED.

14
15 October 13, 2018

MEDEROS, SOARES & ORMONDE

16
17
18 

19 Dennis A. Mederos, Attorneys for
20 Plaintiff, Senovia Gutierrez

21 October 24, 2018

22 WALTER WILHELM LAW GROUP,
23 a Professional Corporation

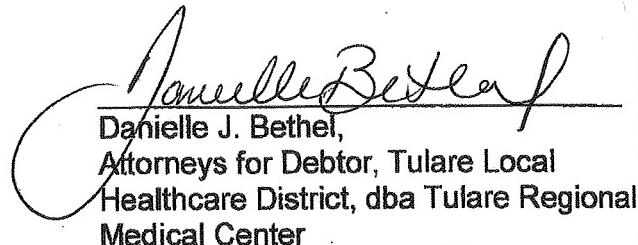
24 
25 Danielle J. Bethel,
26 Attorneys for Debtor, Tulare Local
27 Healthcare District, dba Tulare Regional
28 Medical Center

EXHIBIT B
Page 5 Of 5